

REMARKS

This Paper and Petition for a one month extension of time are submitted in response to the Office Action mailed on November 25, 2005 having a shortened statutory response period that ended on February 25, 2006. This Paper is submitted within one month of the statutory response period, namely March 25, 2006. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Claims 1-11 and 59-63 are pending in this application. New claims 59-63 have been added and claims 12-58 have been withdrawn from consideration as the result of a restriction requirement

Claims 1, 4, 5, 8, and 9 were rejected under 35 U.S.C. § 103(a) for allegedly being obvious over U.S. Patent No. 5,944,684 to Roberts et al. (*Roberts*), in view of U.S. Patent No. 4,610,794 to Henne et al. (*Henne*). Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) for allegedly being obvious over U.S. Patent No. 3,669,880 to Marantz (*Marantz*) in view of *Henne*. Claim 6 was rejected under 35 U.S.C. §103(a) for allegedly being obvious over *Roberts* in view of *Henne*, and in further view of U.S. Patent No. 6,627,164 to Wong (*Wong*). Claim 7 was rejected under 35 U.S.C. § 103(a) for allegedly being obvious over *Roberts* in view of *Henne* and in further view of U.S. Patent No. 4,659,744 to Matsui (*Matsui*). Claim 10 was rejected under 35 U.S.C. §103(a) for allegedly being obvious over *Marantz* in view of *Henne*. Claim 11 was rejected under 35 U.S.C. §103(a) for allegedly being obvious over *Roberts* in view of *Henne* and in further view of U.S. Patent No. 5,618,441 to Rosa et al (*Rosa*). Applicants respectfully traverse and disagree with these alleged rejections for the reasons set forth below.

It is a well settled axiom of patent law that every word in a claim must be considered in judging patentability of the claim. *In re Ochiai*, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Thus, when claim 1 is properly interpreted, it is clear that no combination of *Roberts*, *Henne*, *Marantz*, *Wong*, *Matsui*, and/or *Rosa* discloses or suggests a dialysis device having a layer configuration whereby fluid entering the device contacts a zirconium phosphate (ZP) layer before contacting either a urease layer or a zirconium oxide (ZO) layer as recited in independent claim 1. *Roberts* and *Marantz* each individually teach away from a dialysis device wherein incoming fluid contacts with a ZP layer before contacting either a urease layer or a ZO layer. *Roberts* discloses

a dialysis purification system having layers in the following order (from inlet to outlet): urease, ZP, ZO, and carbon. *Roberts*, col. 8 lines 30-35. *Roberts* thereby discloses that incoming fluid initially contacts the urease layer thereby teaching away from independent claim 1. *Marantz* discloses a dialysate system wherein incoming fluid first contacts a urease layer followed by contact with a ZP layer, thereby teaching away from claim 1. *Marantz*, col. 2 lines 14-29, FIG. 2. As *Roberts* and *Marantz* each individually disclose initial fluid contact with a urease layer before fluid contact with a ZP layer, *Roberts* and *Marantz* each individually teach away from independent claim 1.

Henne has no disclosure whatsoever of a dialysis membrane that includes a urease layer. The *Henne* dialysis membrane is made from regenerated cellulose. *Henne*, col. 1 lines 10-11. In fact, completely absent in *Henne* is any disclosure regarding a urease layer. Wholly void of a urease layer, *Henne* cannot disclose or remotely suggest a dialysis device having a urease layer, let alone a dialysis device wherein incoming fluid contacts a ZP layer before either a urease layer or a ZO layer as recited in independent claim 1.

Wong, *Matsui*, and *Rosa* fail to fulfill the deficiencies of *Roberts*, *Marantz* and *Henne*. Absent from each of *Wong*, *Matsui*, and *Rosa* is any disclosure related to a multiple layer dialysis device, let alone a dialysis device having a layer configuration as recited in independent claim 1.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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